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MINNEAPOLIS PUBLIC SCHOOLS

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Superintendent of Schools

SPECIAL SCHOOL DISTRICT NO. 1
An equal opportunity school district

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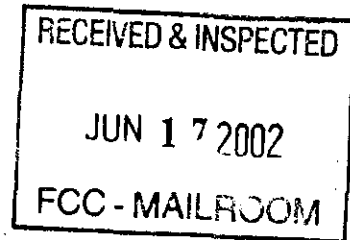
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September 7, 2001

Office of the Secretary
Federal Communications Commission
445-12th Street S.W.
Room TW-A325
Washington, D.C. 20554

In the Matter of: Request by Minneapolis Minnesota
Special School District No. 1 of Decision of
Universal Service Administrator

FCC Docket Nos. 97-21 and 96-45

Dear Secretary:

This is a letter of *Request for Review* regarding the Schools and Libraries Administrator's *Decision on Waiver Request*. In four letters dated August 13, 2001 to Daniel Cincoski, Minneapolis Public Schools Consultant, the Schools and Libraries Division denied the Minneapolis District's request to accept our application for E-rate funding. (See Exhibits Nos. 1, 2, 3 and 4) This letter is an appeal of the Administrator's Decision of the following applications submitted by the Minneapolis Public Schools.

# 246006	MPS-LSS-Y4	\$2,289,097.20
#225073	MPS-Voice-Y4	\$1,497,706.77
#257346	MPS-CELL-Y4	\$ 315,024.00
#258498	MPS-Cable-Y4	\$ 50,000.00

Total Funding \$4,151,827.97

This *Request for Review* is being filed with the Secretary consistent with the directions from the Schools and Libraries Division and with Federal Rules Section 54.710 et. Seq. The appeal of the Minneapolis Public Schools is based on the following.

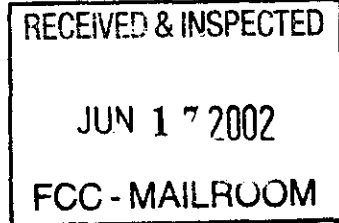
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Statement Setting Forth the Party's Interest in the Matter Present for Review:

The Minneapolis Public Schools is an agency that is eligible to receive funding through the E-Rate program. In fact, the District has received such funding for the past three years. The District applications for Year Four would provide \$4,151,827. Without the E-Rate revenue, the District will be unable to continue the development of its technology program and the students and staff of the District will be negatively impacted.

Statement of Relevant Material Facts

1. Adequate notice of the change in filing procedure was not provided. This is the fourth year of this federal program. In each of previous years, electronic application filing was permitted with hard copy filed at a later date. This decision seemed especially appropriate since the intent of the program is to enhance the use of technology. However, the administrative procedure regarding electronic filing was changed with Year 4 application. This was posted on the USAC Web Page on November 2, 2000. No written notification or e-mail communication was sent at that time.
2. When the District consulted with the SLD, erroneous information was provided. On January 12, 2001, Minneapolis Public Schools Consultant Mr. Daniel T. Cincoski, contacted the 800-203-8100 SLD Support Line regarding the deadlines and was informed that the signed documents did not have to be post marked by January 18, 2001 as long as the application was filed electronically by January 18, 2001. (See Exhibit No 5)
3. The District did meet the January 18, 2001 timeline by filing its Form 471 application with the SLD albeit this filing was done electronically. The District mailed the application that contained the signatures immediately after that date. This was consistent with the directions given to Mr. Cincoski just one week earlier by the federal office and was consistent with the process followed in the previous three years.
4. The SLD notification to the District that its applications were denied were not timely and as a result, denied the District an opportunity of immediate appeal or of taking other actions. The applications of the District were filed in January 2001. It was not until July 12, 2001 and July 24, 2001 that we were notified that our applications were rejected. (See Exhibit No 6)
5. The total revenue being applied for is \$4,151,827.97. This represents a significant portion of the District budget for improving our use of technology. This loss of



anticipated revenue will have a harmful impact on the students and staff of the District.

6. The budget of the District has been adopted under the logical assumption that our E-rate applications were again approved because our applications were consistent with those filed in the three previous years and Year Four funding was available for distribution. If our application would have been rejected on its merits, such a decision may be understood. However, that is clearly not the case. The Minneapolis Public Schools are being denied \$4,151,827.97 solely because our application was filed electronically rather than by mail when in fact we were following the directions of three previous years and when those very directions were again reiterated by the representative of the SLD Office just one week prior to the application submission date.

Question Presented for Review

The question involved in this matter is one of procedure not substance. No questions have been raised as to the quality of the District's proposal. The question presented on appeal is:

- A. Where the Minneapolis Public Schools filed timely applications electronically, whether it was reasonable and appropriate for the Schools and Libraries Division to reject those applications for funding of \$4,151,827.97 when the sole reason for that decision is that the District's paper application was submitted after the due date designated in the SLD rules.
- B. Where the Minneapolis Public Schools is in the fourth year of E-Rate funding, whether it is reasonable and appropriate to deny continuing E-Rate funding on the basis of an application filing that:
 1. Was not communicated directly to the Minneapolis Public Schools: and/or
 2. Was communicated inaccurately to the District officials.

Statement of Relief Sought

The Minneapolis Minnesota Special School District No. 1 requests that the Federal Communications Commission reverse the decision of the SLD and award the District its request of \$4,151,827.97.

Secretary, I am requesting you to review our appeal and reverse the decision so that the Minneapolis Public Schools can access the \$ revenue which we so desperately need to

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enhance technology in our schools. Members of the Minneapolis staff and I would appreciate an opportunity to come to Washington to meet with you regarding this important matter. Your decision will have a significant impact on the students and staff of the Minneapolis District.

The contact person in the Minneapolis District regarding this matter is Mr. Dan Hambrock. His telephone number is 612-668-0284. His e-mail address is: dan.hambrock@mpls.k12.mn.us My number is 612-668-0196 and my e-mail is: mpssup@mpls.k12.mn.us

Again, thank you for your careful consideration of this important matter to the students and staff of the Minneapolis District.

Sincerely,



Carol R. Johnson
Superintendent of Schools

C Representative Martin Sabo
Senator Paul Wellstone
Senator Mark Dayton
Commissioner Christine Jax
Paul Erickson
Dan Hambrock
Allen Giles